

## ***STAFFORD COUNTY PLANNING COMMISSION MINUTES***

### ***September 5, 2012***

The meeting of the Stafford County Planning Commission of Wednesday, September 5, 2012, was called to order at 6:31 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the County Administrative Center.

**MEMBERS PRESENT:** Rhodes, Hiron, Apicella, Boswell, Hazard, Gibbons, and Schwartz

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Harvey, McClendon, Baker, Blackburn, Zuraf, Hornung, and Knighting

Mrs. Hazard stated all members were present.

#### **DECLARATIONS OF DISQUALIFICATION**

Mr. Boswell stated his company had done business with the Hilldrup Companies in the past, and he could be impartial.

Mr. Gibbons stated he and Mr. Boswell attended a workshop meeting at Hilldrup that was open to the public.

Dr. Schwartz stated his sons had summer employment at Hilldrup and he was personal friends with the Manager.

#### **UNFINISHED BUSINESS**

1. **Amendment to Zoning Ordinance** – Proposed Ordinance O012-16 to amend and reordain Stafford County Code, Section, 28-25. “Definitions of specific terms;”, Section 28-35, Table 3.1 “Table of Uses and Standards;” and Table 7.1, “Required Parking Spaces” to define data centers, list them as a principal permitted use in the zoning ordinance and provide a parking standard for such use as an economic development strategy in order to attract data centers to the County. **(Time Limit: September 18, 2012) (History - Deferred August 15, 2012 to September 5, 2012)**

Mr. Harvey stated staff from Economic Development Department and a consultant were present to address any questions the Commissioners had.

Bethany Miller, of the Economic Development Department, stated she managed the existing business program. Michael MacNeilly, Principal of MacNeilly Business Advisors, stated was a consultant to the County on the Data Center issue.

Ms. Miller stated that the County in an effort to diversify its business industry mix had decided to engage a consultant to help Economic Development create marketing packages for data centers or other high tech end users. In doing that, staff identified sites within the County that met the basic criteria or parameters for data site construction. And through working with the County’s consultant, staff met with property owners and created a shorter list of sites that might be suitable. She stated they

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were taking a proactive approach to marketing the properties to site selection consultants so that when someone comes to the Economic Development Department with interest in a particular site for a data center or high tech facility construction, staff would have the answers to the questions they may pose readily available. She gave the Commission a presentation that described the parameters of what data centers were looking for either in available land or an existing facility structures. She stated staff was only able to identify Greenfield sites for data centers at that time. She explained that flat ground was the best land to build on. In size, the sites could range from 10 to 300 acres rectangular in shape and in very large parcels. Data centers prefer to be in a secluded area with dense trees and shrubs, not easily identifiable. Electricity on site would be 10 to 120 megawatts. She stated it was important to have 2 to 5 fiber carriers on site. Data Centers require lots of water and transportation near, but not visible from interstates and airports. Rail lines are prohibited because often times the trains that travel along the lines may be carrying hazardous materials and in the event of an accident near the data center, it could cause high levels of damage to very valuable structures. She explained that concrete block for construction was a positive. There would be no metal or frame buildings, the setbacks would be 100 to 400 feet from any roadway, the area would be fenced with electrified or sensorized fencing, and the size of the building would be approximately 20,000 to 400,000 square feet with 18 to 30 foot ceilings. She mentioned there would be approximately 25 to 100 employees at a data center. She stated staff was working to create comprehensive marketing packages so that when people come into the office with questions staff will have information they could pull off the shelves. She gave a brief overview of the strategies staff would use to attract end users. She explained the State's Sales Tax Statue which would exempt sales tax that would be associated with the purchase of equipment for data centers. She stated there was no one data center or high tech end user design; they are very specific to the needs of the client or end user.

Mr. Rhodes inquired about the impact if the use would change from a data and computer service center to another use. Ms. Miller stated with the investment of a data center being significantly high, typically the life of a data center would be 25 years. She stated staff does not anticipate attracting a data center or user that would come into the County locating a space for 1 to 2 years. Mr. Rhodes raised the issue about the future use of a large building with little parking. Mr. MacNeilly stated it would not be unusual to see a Network Operation Center either near or in a Data Center. Traditionally, you would have very low employment levels, but they tend to pay a larger salary and better benefits. He stated the average hours of all the Data Center employees would be approximately 70,000 hours per year. Mr. Rhodes asked Mr. MacNeilly if he had seen the language that was drafted for the Ordinance. Mr. MacNeilly stated yes and staff has made suggestions on the language.

Mr. Hirons asked if there was market potential for a data center. Mr. MacNeilly stated the trend that staff sees in Northern Virginia was continually encroaching down I-95 and as that happens there was going to be more need for facilities of this type. Data Centers were one of the leading investment vehicles in the Commonwealth of Virginia for the past several years. He stated the Federal Government had previously stated they do not want more facilities within the blast zone, 50 miles of the Washington Monument or within 50 miles of a Nuclear Power Plant.

Mr. Gibbons stated data centers were short lived and asked Mr. MacNeilly if he considered 25 years to be the norm. Mr. MacNeilly stated that was the average lifespan. He stated a data center was not like a call center, it was a very expensive proposition to put together and the investment was substantial. Mr. Gibbons asked how many data centers could be supported in Stafford. Mr. MacNeilly stated he would not like to discuss that in a public meeting because there are negotiations that would have to

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take place. He stated there were less than 20 but more than 10 sites that would qualify. He stated the sites were in the urban area, so the utilities are already in place.

Mr. Harvey stated the parking for a data center and network center would be based on a maximum number of employees for any shift, which would be adequate parking to handle the employees working at such a facility. Mr. MacNeilly stated as a rule, data centers are nondescript buildings without any form of visitation.

Mrs. Hazard asked about the security uses at the facility. Mr. MacNeilly stated there were a few data centers that have no fences, but most likely it would have a 10 to 12 foot chain linked fence with barbwire or razor ribbon on it, as well as cameras with night vision scopes. The fence would also be sensorized so the staff could detect people coming towards with. He stated data centers would normally have security guards in place, either armed or unarmed. He stated as a rule, every data center he worked with wanted to be good corporate citizens and did not want the data centers built near schools, churches, nor residential areas. He stated that any data centers that have been built since 9-11, were strictly secured.

Mr. Gibbons made a motion to recommend forward approval of the Amendment to the Zoning Ordinance, O12-16. Mr. Apicella seconded the motion. The motion passed 7 to 0.

Dr. Schwartz made a motion to modify the agenda to defer items 2 and 3 until after the public hearings. Mr. Hirons seconded the motion. The motion passed 7 to 0.

2. RC1200061: Reclassification – Walgreens at Cool Spring Road – A proposed reclassification from M-1, Light Industrial to B-2, Urban Commercial Zoning District to allow a pharmacy and other retail uses on a portion of Assessor's Parcel 54-48, consisting of 4.27 acres, located on the south side of White Oak Road east of Cool Spring Road in the George Washington Election District. **(Time Limit: October 9, 2012) (History - Deferred July 11, 2012 to August 15, 2012) (Deferred August 15, 2012 to September 5, 2012)**

*(Discussed after public hearings)*

3. COM1200245; Comprehensive Plan Compliance Review, Jumping Branch Farm, LLC – A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for the extension of water and sewer outside of the Urban Services Area, to serve up to 158 lots on Assessor's Parcel 36-67A, located on the north side of Truslow Road, approximately 1,900 feet west of Berea Church Road within the Hartwood Election District. **(Time Limit: October 14, 2012) (History - Deferred August 15, 2012 to September 5, 2012)**

*(Discussed after public hearings)*

4. Architectural Design Standards – Amend the Traditional Neighborhood Development Plan, an element of the Comprehensive Plan, to incorporate Architectural Design Standards. **(Time Limit: October 5, 2012) (Deferred April 18, 2012 to May 2, 2012) (Deferred May 2, 2012 to May 16, 2012) (Deferred May 16, 2012 to June 6, 2012) (Deferred June 6, 2012 to June**

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**20, 2012) (Deferred June 20, 2012 to July 11, 2012) (Deferred July 11, 2012 to August 15, 2012) (Deferred August 15, 2012 to September 5, 2012)  
(Authorize for Public Hearing by: September 5, 2012)  
(Potential Public Hearing Date: October 10, 2012)**

Mike Zuraf gave a brief presentation and stated the Commissioners were provided with amendments in developing the Architectural Design Guidelines. Staff developed amendments to the former Traditional Neighborhood Development Plan. The Plan includes Architectural Design Guidelines, which have been prepared based on input provided through the Visual Preference Survey. He stated the original TND Plan was developed in advance of the P-TND Ordinance. That was the first Form Based Code the County had developed. The Plan also modifies existing text to reflect the recommendations of the 2010 – 2030 Comprehensive Plan and recent actions to implement Traditional Neighborhood Development. He stated staff modified the goal to reflect the modifications to make it more encompassing to more compact development, added an adjective regarding the Architectural Design Guidelines. Staff added an explanation of what Form Based Codes were and Transect Zones, which were previously in the plan, deleted the detailed design standards that were tied to Transect Zones that were tied into the TND Plan and incorporated those into the new design standards. He stated section 5 of the Plan was the new Architectural Design Guidelines section. The guidelines were categorized by the type of use and intended to be more general and ensure that future development was of high quality. The guidelines address other elements of development including parking, lighting, signage, and other amenities seen in a development inside the Urban Service Area. A summary of the results of the Visual Preference Survey was provided to the Commissioners in their packets. He stated the Visual Preference Survey had been modified to correctly identify average scores and include written comments. He stated the deadline for action to the Board was October 5<sup>th</sup>, under the new meeting schedule. He explained if the Commission wished to initiate a public hearing to consider adoption of the Plan, the next available meeting would be the recently amended meeting date of October 10<sup>th</sup>. Staff recommended the Planning Commission consider requesting an extension.

Mr. Gibbons made a motion to request an extension from the Board of Supervisors. Mrs. Hazard seconded the motion. The motion passed 7 to 0.

Mr. Harvey asked how long of an extension would the Commission desire. Mr. Rhodes suggested submission of a 5 week extension through the first session of November.

Dr. Schwartz suggested staff reword the language in reference to the elimination of the Transect Zones in the Architectural Design Guidelines. Mrs. Hazard had concern of lighted signage. Mr. Harvey stated the Sign Ordinance had requirements as far as how electronic message signs were handled. There was a limitation on the size of those types of signs and also the number of colors that could be used and the frequency in which the message could change. He stated if staff was to incorporate some standard in the Architectural Designs they should talk about how they would be placed within the setting of either the wall sign of the building or as a free standing sign. Mr. Apicella suggested adding a general statement to better reflect the design for signs do not have to be the same. Mr. Rhodes suggested a slight refinement to page 22, which would state the Design Guidelines were general in nature and the pictures are representative but not directive. After much discussion, Mr. Harvey recommended deferring the item until the next Planning Commission meeting to ensure that the issues were addressed satisfactorily for the Commission. Mr. Rhodes gave clarification for the suggested modification of street design standards on pages 13 to 15, to clarify the meaning of T-6 and SC

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Transect Zones as they relate to the P-TND Zoning District and modify language so the guidelines were more general and not limited to the P-TND District. Images on page 22, to clarify that the images in the Architectural Design Guidelines are intended to be general representations of the guidelines and are not intended to control the appearance of future buildings. Small Area Plans on page 22, clarify to provide reference to other small area plans which may provide more specific guidance. Electronic Signs on page 32, add a guideline to ensure electronic signage was closely evaluated and take into account the characteristics of the surrounding environment and frequency of this type of signage.

Mr. Gibbons made a motion to defer the item to the next Planning Commission meeting. Mrs. Hazard seconded the motion. Mr. Rhodes called for the vote on the extension request. The motion passed 7 to 0.

5. Amendment to Zoning Ordinance – A proposed Ordinance to amend and reordain Stafford County Code regarding sign regulations for uses such as places of worship, community centers, marinas, golf courses, nursing homes, schools, and other similar uses permitted by conditional use permit in various zoning districts but do not permit signs in that district for that use. The regulations are to allow for signage that is compatible with the other uses within the zoning district and community and shall include on-premise and off-premise signs. **(Time Limit: November 7, 2012) (History – Deferred July 11, 2012 to August 15, 2012) (Deferred August 15, 2012 to September 5, 2012)**  
**(Authorize for Public Hearing by: September 19, 2012)**  
**(Potential Public Hearing Date: October 17, 2012)**

Susan Blackburn gave the presentation and stated at the last meeting there was a brief overview of the proposed Ordinance. She stated staff discovered after looking into the Code that various Zoning Districts that allowed for uses under Conditional Use Permits do not allow signage. She stated the proposed Ordinance was to help try to remedy that and the affected districts would be A-1, Agricultural, A-2, Rural Residential, R-1, Suburban Residential, R-2, R-3, and R-4, Urban Residential. She explained the major elements of the Ordinance. She stated the Board requested staff look into off premise signs for directional purposes only and areas of public interest or public uses, which would be 3 square feet in area and 5 feet in height.

Mr. Gibbons made a motion to schedule the item for public hearing. Mr. Apicella seconded the motion. He asked for an amendment to set the date of the public hearing on the October 24<sup>th</sup> meeting. Mr. Gibbons agreed. The motion passed 7 to 0.

Mr. Rhodes opened the public presentation portion of the meeting.

6. Urban Development Areas – Discussion of Urban Development Areas to study the future applicability of Urban Development Areas in the County and identify any recommendations that should be considered for amending the Comprehensive Plan. **(Time Limit: October 4, 2012) (History – Deferred August 15, 2012 until 2013, Requested time extension from Board of Supervisors)**

*(Discussed after public hearings)*

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### **NEW BUSINESS**

None

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**7:30 P.M.**

### **PUBLIC PRESENTATIONS**

Harold Dull, of Northside Drive, stated he had been before the Planning Commission twice to speak on the Walgreens development on Cool Spring Road and would not speak on the things he had previously spoken on. He stated his focus was on traffic, safety, and citizen safety in the area. A couple of the citizen had previously talked about the unsafe traffic near Cool Spring Road and the construction for Walgreens would lead to more unsafe conditions. He stated the intersection at Deacon Road and Cool Spring Road, Route 218 heading east, was a traffic light and a four lane divided road that merged down to two lanes. He mentioned three cases where there were traffic lights onto four lane divided merging into 2 lanes. In 2004, there was an accident on Fall Hill Avenue leading to the death of a 41 year old Ni River Middle School teacher, were an individual felt traffic was going too slow in the area, pulled into the oncoming traffic and hit her head on. The driver of the other vehicle was also killed. On May 19, 2006, on Lafayette Boulevard, there was a similar situation where the two lanes merge, a 31 year old woman, 21 year old pregnant mother, and 22 year old woman, were all killed. In 2004, on Gordon Road, a woman and her 4 year old son were killed as she raced up the right side of the merge driving 76 miles per hour in 35 miles per hour zone and ran in front of another car and lost control of the car. He asked the Commission to think about the traffic merge on Route 218. He stated he would like to see the speed limits in the area reduced to 35 miles per hour west of Giant and suggested the Commission not allow a U-turn at Northside Drive.

Mr. Rhodes closed the public presentations and proceeded to public hearing items. He stated staff would combine the presentation for both items 7 and 8.

### **PUBLIC HEARINGS**

7. RC1200128; Reclassification – Hilldrup Transfer and Storage – A proposed reclassification from R-1, Suburban Residential to M-1, Light Industrial Zoning District to allow a storage warehouse and other related uses on Assessor's Parcels 13-1 and 13-2, consisting of 4.29 acres, located on the south side of George Mason Road, 1,900 feet east of Jefferson Davis Highway, within the Griffis-Widewater Election District. **(Time Limit: December 4, 2012)**

8. RC1200130; Reclassification – Hilldrup Transfer and Storage – A proposed amendment to proffered conditions to remove a height barrier restriction and establish limitations for rollback, tow, and tractor trailer trucks to access the property and use of George Mason Road, on a portion of Assessor's Parcel 13-9, zoned M-1, Light Industrial, consisting of 5.19 acres, located on the east side of Jefferson Davis Highway, and north side of George Mason Road, within the Griffis-Widewater Election District. **(Time Limit: December 4, 2012)**

Mike Zuraf gave the presentation and stated item 7 was a reclassification of parcel 13-1 and 13-2, consisting of 4.29 acres from R-1, Suburban Residential to M-1, Light Industrial. He stated item 8 was

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a proffer amendment on a portion of parcel 13-9, consisting of 8.71 acres, zoned M-1, Light Industrial. Both properties were located along George Mason Road, which was on the east side of Jefferson Davis Highway. He gave a brief explanation of item number 7. He explained the eastern half of the site consists of a grass open area located underneath overhead power transmission lines within a VEPCO easement that runs in a north-south direction. Adjacent properties include Quantico Marine Corps Base to the south and east, a residential dwelling and a portion of the existing Hilldrup storage facility to the north across George Mason Road, and residential dwellings to the west located off of Mavel Place, a private street. The proposed storage warehouse would be 38,116 square feet in size, one story and 35 feet tall. He stated a 25-foot transitional buffer with 6-foot board on board fence would be installed. A single access point was located off of George Mason Road. Standard parking spaces were located to the south of the building, with larger tractor trailer fleet parking spaces along the eastern property line and the GDP depicts a concrete sidewalk for pedestrian access. He gave a brief description of the proffers proposed by the applicant. He stated the Transportation Impact Analysis submitted with this application calculated the site would generate, at its highest volume, approximately 50 vehicle trips per day. Based on this level of traffic, a Transportation Impact Analysis was not required. He explained that the proffers establish a traffic pattern and as a result of the proffers, tractor trailers would be prohibited from traveling west on George Mason Road to Jefferson Davis Highway. The proffers also limit the number of tractor trailers by allowing up to 12 tractor trailers to utilize George Mason Road, equivalent to 24 vehicle trips. He stated the current Land Use Plan recommended the properties for Business and Industry use and the site was within a designated Redevelopment Area. He explained the buildings would be large in nature with extensive setbacks and in proximity to major transportation facilities. The Plan notes that where such areas abutt existing residential communities, berms, buffers, noise attenuation measures and additional setbacks may be necessary to minimize community conflicts. Staff noted the proposal to allow tractor trailers on George Mason Road and the subject property would increase potential noise impacts to adjacent residential uses. He explained the applicant was attempting to minimize community conflicts by limiting the number of trucks and associated vehicle trips, establishing design standards, and orients the trucks and loading areas away from the residential uses. He stated the site was identified in the Comprehensive Plan as being within Noise Zone 1 and this zone consists of areas within 5 miles of Quantico demolition training areas. Objective 4.5 of the Plan supports the expansion of electric utilities in a manner that minimizes exposure of County residents to potential visual impacts and environmental hazards. Policy 4.5.6 discourages future residential development from locating near electric transmission lines without adequate screening and buffering. Objective 4.8 in the Plan encourages the minimization of noise and vibration impacts from operations on Quantico Marine Corps Base. Policy 4.8.2 encourages reduction of residential densities in these areas. Staff noted Boswell's Corner Redevelopment Plan envisioned a mix of office, retail and residential uses. The Plan included a land use concept plan that identified a more compact development pattern across a majority of this area, including residential development on this site. Although the plan identified the potential for residential, it originally envisioned more residential development than was ultimately approved, specifically 1,700 units. Approval of the Boswells Corner Plan included a recommendation for no more than 744 residential units in this area, equivalent to the by-right density, due to the proximity to Quantico Marine Corps Base. He stated staff recommended approval of the application, pursuant to Ordinance O12-34 with proffers dated August 29, 2012, contingent on the approval of the proffer amendment under application RC1200130. He proceeded to give a brief description of item number 8.

He stated the site had been subject to several zoning actions that occurred as part of an expansion of the original Hilldrup Transfer and Storage Facility, which fronts on Jefferson Davis Highway. A

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portion of the facility fronting on George Mason Road was rezoned from B-1 to M-1 in 1970. On June 20, 2000, 7.34 acres of the site was rezoned from R-1, Suburban Residential and B-2, Urban Commercial to M-1, Light Industrial to expand the facility to the south and east on property fronting on George Mason Road. On February 18, 2003, 1.33 acres of the site was rezoned from B-1, Convenience Commercial to M-1, Light Industrial to allow for expansion of the existing storage warehouse building, pursuant to Ordinance O03-09. On February 18, 2003, proffers were amended on a 3.86 acre portion of the 7.34 acres subject parcel. He explained pursuant to Ordinance O03-10, proffers were amended to allow flatbed and tow trucks to utilize George Mason Road to deliver automobiles for storage at the expanded storage facility. He gave a brief description of the proffers proposed by the applicant. He stated the current Land Use Plan recommended the properties for Business and Industry use and the site was within a designated Redevelopment Area. In addition, the site included a Commercial Corridor designation and Resource Protection. He stated staff recommended approval of the application, pursuant to Ordinance O12-35 with proffers dated August 29, 2012.

Mr. Apicella stated he was curious to know about the reactions the applicant received after holding a public meeting in regard to Hilldrup Transfer and Storage facility. Mr. Zuraf stated the meeting was held last Thursday evening and there were 2 citizens present who were directly adjacent to the proposed facility. The citizen's reactions were generally positive, they did not have any major concerns, but they did have questions and concerns about the fencing that would be installed and the hours of truck operations. After hearing the concerns of the citizens, the applicant added in the 7:00 a.m. to 9:00 p.m. limitation for truck traffic. Mr. Apicella asked about the fencing concerns of the citizens. Mr. Zuraf explained the citizens were mainly concerned if there was a fence installed, would there be water backing up onto their property. The applicant stated he would be looking to develop the site so that a berm would be installed with a fence on top of it. Mr. Apicella asked if there had been any negative reactions from citizens in regards to the 2 projects. Mr. Zuraf stated he had not heard any negative reactions. Mr. Rhodes asked the applicant to come forward.

Austin Harris, Leming and Healy, representing Hilldrup Transfer and Storage facility, stated he would be presenting the zoning reclassification with proffers application for Tax Map parcels 13-1 and 13-2 and a proffer amendment for a portion of parcel 13-9. He introduced Charles McDaniel, Chairman of the Board of Hilldrup, Barry Dodson, CEO of Hilldrup, and the engineer, Darrel Caldwell who all were present. He stated he would be combining the presentation for both applications. He stated the applicant of both actions was Hilldrup Transfer and Storage; they have been in the Fredericksburg area since the 1900s and have operated as Headquarters in Stafford, VA for over 25 years. He stated Hilldrup proposed to expand its operation by placing a new warehouse facility in Stafford County and tractor trailers would be parking along the eastern border of the site.

Mrs. Hazard asked for more information about Hilldrup preparing an internal notice for the truck routes. Barry Dodson addressed the issue. He stated staff's thoughts were to place a sign at the current entrance that stated Hilldrup trucks must turn right. He stated the trucks should know, but the sign would be a daily reminder. He stated most drivers would like to come back through the lot because of the traffic light.

Mr. Apicella asked if Quantico was aware of what was being proposed and had they provided any comments. Mr. Zuraf stated they were notified about the application when it first came in, they attended the staff's review meetings and did not have any concerns with the proposal.



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Mr. Rhodes opened the public comment portion.

Mitchell Lockett stated the residents were not objecting to the new development, but they were objecting to the tractor trailers coming through the property's restricted gates that go past the resident's homes. The road was approximately 16 feet wide and does not have shoulders. He stated the residents were proposing the Hilldrup property stays within their lot and access the property straight across George Mason, on the old Route 1 from many years ago. He stated his concern was the truck and residents with access to the road and the road not being wide enough. He asked what would happen when big trucks making left and right turns, several times a day on the road or when children are standing outside at the bus stop and those big trucks travel on the road. He suggested Hilldrup reconstruct their parking lot for the new development but the trucks did not need to be on George Mason Drive.

Bruce W. Smith stated he agreed with the comments by Mr. Lockett. He stated the practical way for Hilldrup to build the new development would be to cut the road to fit the entrance to the parcel and the trucks would not be limited on their trips. He stated there were numerous amounts of people that walk up and down the road for health reasons. Human traffic and a road with large vehicles was a potential accident waiting to happen. He stated he drove trucks for 15 years, so he was aware of what it was like. He stated truck traffic was the major problem. He stated the photo that was shown of the entrance was deceptive but accurate.

Brian Town stated he agreed with the previous comments. He stated the building would be a good development, but he did not want traffic on the road. He stated he had small children that walk up and down the road regularly. He stated Hilldrup should create access from one property to another directly across.

Elaina Lungosa stated whatever was going to happen in the neighborhood was wonderful. She stated when she had children growing up, the neighborhoods in Stafford consisted of trash, where people dumped their trash. She stated the site where Hilldrup was building their warehouse, a while back was not healthy for the neighborhood, but the changes that were happening now were very good. It creates more jobs, which was an advantage because many people are suffering from not having a job. She stated when she first moved in the neighborhood they did not have signage. She stated the development would be good for the community.

With no one else coming forward to speak, Mr. Rhodes closed the public comment portion of the public hearing.

Mr. Austin addressed the residents concern of putting in a new access on George Mason. He stated the typography around that specific area does not permit that installation, and the turn radius for the trucks was not adequate for the truckers to make a turn at that location. He stated if the existing parking lot was changed to a new access that parking lot would be permanently taken away from Hilldrup. He stated Mr. Caldwell would address the typographical and parking issues to the Commission.

Darrel Caldwell, Bagby and Caldwell, gave a brief presentation to address the parking issues. He stated most of the things that were previously said were correct. He stated the parking area that was addressed was built for residential parking only. The parking area was not built for tractor trailer

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traffic, and in order to construct an access through the parking lot the company would have to take out the entire parking lot and start over again, which would be a huge cost. If they start to consider entrances in the area, the company would be taking away the usable area that was left on the site and it became impractical to develop the site. He stated Hilldrup's representatives had determined the elevation difference between the existing entrance site and the end of the parking lot was over 10 feet. Mr. Rhodes asked if they considered any improvement, widening, or easement to allow for extra space on George Mason Road from the second entrance to Mavel Place. Mr. Apicella mentioned the green space and asked if that area could be expanded a few feet. Mr. Caldwell explained the County required that the entire site was in conformance with the Landscaping Ordinance. There was a 50 foot landscape buffer along the resident's property. He stated everything they do takes away from the landscaping requirements that were mandatory to do the things that have already been done.

After a lengthy discussion, several concerns were expressed regarding tractor trailer traffic on George Mason Road, specifically the narrow width of the road, potential conflicts with school buses and pedestrians who use the road, and future deterioration of the road caused by heavy trucks. The Planning Commission made modifications to Reclassification 1200128, for parcels 13-1 and 13-2, to add a statement to proffer 2(b) to direct all trucks accessing George Mason Road to travel between the current and proposed facility, be prohibited from doing so until all oncoming eastbound and westbound traffic had passed the access point to the current facility. For Proffer Amendment RC1200130 the Commission added the same statement to proffer 2(b).

Mr. Boswell made a motion to defer both items to the next meeting to address the concerns of the residents. Mr. Gibbons seconded the motion. The motion passed 7 to 0.

Mr. Rhodes proceeded to item number 2.

2. *RC1200061: Reclassification – Walgreens at Cool Spring Road – A proposed reclassification from M-1, Light Industrial to B-2, Urban Commercial Zoning District to allow a pharmacy and other retail uses on a portion of Assessor's Parcel 54-48, consisting of 4.27 acres, located on the south side of White Oak Road east of Cool Spring Road in the George Washington Election District. (Time Limit: October 9, 2012) (History - Deferred July 11, 2012 to August 15, 2012) (Deferred August 15, 2012 to September 5, 2012)*

Kathy Baker gave the presentation and stated the Planning Commission conducted a public hearing on July 11, 2012 and discussed the item again on August 21, 2012. She stated based on the Commissions discussion at the last meeting the applicant submitted new proffers to address some of the concerns. The applicant submitted revised proffers, with changes redlined, and dated August 29, 2012. She gave a brief overview of the revised proffers. In proffer 5, the phrase "In the event the property is rezoned to B-2" was removed. A statement was also added in proffer 5 that stated "the applicant further agrees that there shall be no more than 2 buildings on the property". Proffer 3C was revised to state "the applicant shall be limited to one reader board on the sign located on the western portion of the property, as shown on the GDP". A revised GDP was submitted to show the location and orientation of the reader board sign. She mentioned VDOT would review this at the site plan stage to ensure that none of the site distance requirements would be impeded. She stated in regard to Debruen Lane and the access issues, the applicant and staff met with VDOT representatives on August 29, 2012 to discuss the use of Debruen Lane as an additional access point, and the potential conflicts with the right-in/right-out entrance on White Oak Road. VDOT indicated several concerns with the use of Debruen

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Lane. Access to Debruen Lane would be limited because of the 100 foot CSX railroad right-of-way and would need to be set back from the area of the track crossing. This would potentially force the connection point outside the limits of the Northside Drive right-of-way and onto the VDOT stormwater pond parcel. Because this parcel was previously purchased with Federal funds during the reconstruction of the White Oak Road and Cool Spring Road intersection, a private road may not be permitted. In addition, a road through this parcel would likely have impacts to the stormwater pond. With regard to the right-in/right-out in this specific location, VDOT engineers indicated a preference to keep both the Northside Drive primary entrance and the right-in/right-out entrance to the site. Traffic exiting the site at the primary entrance and heading westbound would need to anticipate clearance from both eastbound and westbound traffic, while traffic exiting at the right-out entrance would only need to account for eastbound traffic in order to merge into the left-turn/U-turn lane. She stated the Commissioners were provided a letter to VDOT from Leming and Healy PC, dated August 30, 2012, which summarized the issues discussed at the meeting and request a formal response from VDOT. VDOT indicated a response letter would be forthcoming in advance of the Planning Commission's meeting on September 5th. She stated the Commissioners were provided a report from the Sheriff's office concerning accidents along White Oak Road from the signalized intersection up to Baron Park Road. In regard to the applicant's consideration of B-1 zoning over B-2 zoning, the applicant has not made a commitment to the B-1 zoning at this time. However, the applicant had proffered a Walgreens drug store and pharmacy to build on the property, which was allowed in both the B-1 and B-2 zoning districts. In addition, the use of the second building had been limited to specific uses compatible with the B-1 zone. She explained the Planning Commission previously asked for the Architectural Renderings that were dated August 7<sup>th</sup> and proffer 3 specified the design of the building would be substantially similar in style and architecture to the rendering dated August 7, 2012.

Dr. Schwartz asked if VDOT gave thoughts as to how long it would take to get solid answers for Debruen Lane. Mrs. Baker stated that would depend upon an actual design presented to them. The engineer would have to complete a design showing where the potential access would be based on the topographic constraints.

Mr. Gibbons stated he had concerns about what would be built on the opposite side of the site. Mr. Leming stated the property was a split tax map parcel and there were 3 acres on the north side of White Oak Road, but only 1 of the acres were actually developable. The other acres were not suitable for development. Mr. Gibbons asked if the applicant would be willing to proffer that the same uses would be across the street. Mr. Leming stated he did not think there was an issue with the same proffers as to the uses on both sides of White Oak Road, but the property to the north would have to be rezoned because it was not part of the application.

He proceeded with the presentation and stated they have indicated that either B-1 or B-2, zoning classification was possible and the proffers would be in full force and effect. The only other reference the applicant had was the previous use restriction, there was confusion that Mr. Apicella raised about what would be permitted if the property was zoned B-2 versus B-1, so the statement was removed. He stated if either B-1 or B-2 was approved, the proffers would go along with that particular zoning. With regard to the access, he stated there were serious, expensive, time-consuming obstacles that would have to be overcome in order to determine whether or not Debruen Lane was feasible. He stated they do not mind continuing to pursue Debruen Lane, but they were not in a position where they could give up the right-out entrance because that was what VDOT had endorsed. He stated there were a number

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of changes to the application with regard to the issues that had been raised, and the right-out on White Oak Road was the only issue that had not been completely satisfactory.

Dr. Schwartz expressed his concerns of the fatalities associated with the location of the site and the use of Debruen Lane.

Mr. Weaver came forward and gave the Commission another overview of the GPD.

Dr. Schwartz made a motion to defer the item until the next meeting to allow staff enough time to coordinate a town hall meeting with the Virginia Department of Transportation (VDOT), the applicant, County staff, and area residents to allow for discussion of traffic safety issues.

Mrs. Hazard seconded the motion.

Dr. Schwartz commented he did not think it would be good if someone was killed at the location of the intersection because the Commission made a decision too fast without taking into consideration all other alternatives.

Mrs. Hazard commented she believed the Commissioners need to further discuss the language, items considered by the applicant and staff, and consider the development of a 1C proffer.

The motion passed 7 to 0.

3. *COM1200245; Comprehensive Plan Compliance Review, Jumping Branch Farm, LLC – A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for the extension of water and sewer outside of the Urban Services Area, to serve up to 158 lots on Assessor's Parcel 36-67A, located on the north side of Truslow Road, approximately 1,900 feet west of Berea Church Road within the Hartwood Election District. (Time Limit: October 14, 2012) (History - Deferred August 15, 2012 to September 5, 2012)*

Mr. Harvey stated the item was discussed at the last Planning Commission meeting and since that time there was a meeting with the Utilities Department on August 20<sup>th</sup> where questions were raised about the requirements to connect public water and sewer. In that discussion, staff met with Mr. Critzer and discussed the requirements for Chapter 25 of the State Code, with regards to mandatory connections, specifically the Code required that if you were within a certain cost threshold and public water was in close proximity, then you were required to connect to utilities for public water, however, for sewer it did not appear that was necessarily a requirement at this time for this particular property.

Mr. Apicella asked what the underlying question was that the Commission was being asked to consider. Mr. Rhodes responded Comprehensive Plan Compliance Review. Mr. Apicella stated he understood that, but would like additional input from Counsel. Ms. McClendon stated the Planning Commission was tasked with looking at the request from the applicant to see if the extension of the public water and sewer outside of the Urban Service Area to Assessor's Parcel 36-67A was in substantial accord with the Comprehensive Plan.

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Clark Leming, representing the applicant, came forward and gave a brief presentation. He stated this was a code driven assignment task that was a judgment call on behalf of the Planning Commission. Essentially, the Code established that anytime there was infrastructure that was not shown on the Comprehensive Plan it goes to the Planning Commission for a Comprehensive Plan Compliance Review. He stated since the last meeting the applicant went back to his plan to see how many lots were feasible. The Cluster Ordinance did build in a density bonus and from the standpoint of anyone seeking to develop property, if you could get more lots that would generate more income. The by-right number on the parcel was 105. He explained that he put together a Proposed Resolution for the extension of public sewer for the Commission's consideration. It stated the Preliminary Plan would be designed in general conformance with the alternative in layout 2. The approval for the extension of sewer service to the parcel would be limited to a maximum of 105 lots. The connection to public sewer shall occur at the southernmost connection point near Truslow Road. The extension of sewer to this parcel shall not be intended to support extension of sewer to any parcel that was adjacent or near the subject parcel. He stated the applicant would further agree not to grant an easement to anyone to come across his property for purposes of extending the sewer. Those conditions highlight the uniqueness of this particular property, which have the Urban Service Area immediately to the south and manholes within close proximity, and the Staffordshire Urban Service Area immediately to the north. The density would not be increased and 50 percent of the parcel was undeveloped, open-space that was in compliance with the Cluster Ordinance.

Mr. Rhodes asked if the conditions proposed were enforceable with a Comp Plan Compliance Review Resolution. Ms. McClendon suggested the Commission go into closed session to discuss those matters of legal concern with regards to conditions and compliance reviews.

Mrs. Hazard made a motion to go into closed session with a resolution to authorize a closed meeting, whereas, the Commission desires to consult with legal counsel and discuss in Closed Meeting legal advice regarding the Comprehensive Plan Compliance Review; and whereas, pursuant to Virginia Code § 2.2-3711(A)(7), such discussions may occur in Closed Meeting. Dr. Schwartz seconded the motion. The motion passed 7 to 0.

The Planning Commission went into closed session at 9:50 p.m.

Mr. Rhodes reconvened the meeting at 10:04 p.m. Mrs. Hazard made a motion that the Stafford County Planning Commission does hereby certify, on this the 5<sup>th</sup> day of September, 2012, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Commission. Mr. Hirons seconded the motion. The motion passed 7 to 0.

Mr. Rhodes stated he did not see where the Commission had the authority to apply or enforce the proposed conditions associated with the Comp Plan Compliance Review, so the Commission would not consider it.

Mrs. Hazard made a motion of Planning Commission Resolution PC12-08, stating this was a resolution finding the request for the extension of sanitary sewer and water service outside of the County's designated Urban Service Areas, to serve Assessor's Parcel 36-67A, was not in compliance with the

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Comprehensive Plan in accordance with Section 15.2-2232 of the Virginia Code. Mr. Apicella seconded the motion.

Mrs. Hazard stated based on the discussion of the Commission concerning the issue, the Commission has several objectives that go towards growth. She believes that Objective 1.4.2 that stated “water and sewer should not be extended beyond the current boundaries” was only for a documented risk to public health and there was no clear plan as to how this would be developed.

Mr. Apicella stated he concurred with Mrs. Hazard’s comments. He stated the property was not in significant compliance, located outside the Urban Service Area, and it was undeveloped with neither units nor septic fields, so there was no safety and health issue that had been identified. Within the limited confines of what the Commission was allowed to review, the test for making the determination did not give the Commission the ability to go outside the Comp Plan to allow relief.

The motion passed 7 to 0.

6. *Urban Development Areas – Discussion of Urban Development Areas to study the future applicability of Urban Development Areas in the County and identify any recommendations that should be considered for amending the Comprehensive Plan. (Time Limit: October 4, 2012) (History – Deferred August 15, 2012 until 2013, Requested time extension from Board of Supervisors)*

Mr. Rhodes stated the Planning Commission previously sent the Board a request for an extension into 2013, to allow the Commission to receive new calculations on potential growth, which would occur in February 2013 timeframe. He asked Mr. Harvey the deadline to forward the item to the Board. Mr. Harvey stated staff anticipated the item being forwarded to the Board at the next meeting on the 18<sup>th</sup>. Staff asked for additional time as requested by the Commission. Mr. Rhodes stated he thought the Commission was going to wait to see what new information came out and see how it would affect their influences or be of guidance to the Commission, but was unsure if there was a desire for further work on the UDA issue in the interim. Mr. Rhodes asked if it was the will of the Commission to defer the discussion until they receive more information in February.

Mr. Gibbons stated he believed the Commission should discuss the issues as a group.

Mr. Apicella stated he believed the numbers drive what the end state should be and he did not have a lot of confidence in the numbers because in his opinion they were overestimated significantly. He stated he believed the numbers drive what the Commission’s approach should be. There could be at least 15 to 20 percent taken off the projected numbers. Some of the approved subdivisions that have not yet come to fruition might satisfy what the Commission needed. Mr. Rhodes asked Mr. Harvey if the projections decreased by 20 or 25 percent, what would his reaction be that Commission would need to do in regards to UDAs. Mr. Harvey stated it would come down to a basic question about the form of development the Commission would want to see in the County. With production and projections, you have to consider if the UDAs were too large or were there too many. You would also have to question if UDAs would be the right form of development in the County for a more urbanized dense area or should the County be more suburban. Those were some questions that the Commission in interim could continue to debate and discuss before being presented with the new growth projections. Mr. Rhodes stated he considered the situation a little differently than his colleagues because it has

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taken the Commission a while to get to this point of approval and concluded their dialogue on the subject and suggested the Commission wait until February to take all matters into consideration.

Mr. Zuraf stated the request for an extension to the Board would state the Commission requested the Board provide them more time to defer consideration on the issue until new statewide population projections were made available in early 2013. The Commission added that if the Board does not wish to wait for new population projections, they would request additional time in the near term as they only have one meeting remaining prior to their deadline. If the Board granted the request, the Planning Commission would prefer an extension through May 2013. This would allow the Commission time to analyze the data and to develop a recommendation. If the Board desires the Commission to provide a recommendation sooner, the Commission recommended an extension to November, 2012. This would provide the Commission four additional meetings, past the current deadline, to complete their work.

#### **PLANNING DIRECTOR'S REPORT**

- Lot width in A-1 Zoning Districts

Mr. Harvey stated he had a number of things to report to the Commission. With regard to activities from the Board of Supervisors, staff had 2 Ordinances that were passed out to the Commission that were referred by the Board, specifically the Board wanted the Commission to consider the Zoning Text Amendment to allow medical clinics potentially in the Industrial districts. The Board referred back to the Planning Commission, the TDR Ordinance and Comp Plan Amendment, in particular the Board made recommended adjustments that the Commission should consider for public hearings and recommendations.

Mr. Rhodes asked what the deadline was. Mr. Harvey stated to his recollection the Commission had 60 days to discuss, schedule public hearings, and make recommendations on the items. Mr. Harvey stated if the Commission concurred, staff would add the items to the agenda for the next meeting as new business. Mr. Apicella suggested staff provide the Commission with a synopsis of the changes from the original version.

Mr. Harvey stated the Board passed 2 Ordinances yesterday, specifically the Amendment to the Zoning Ordinance regarding gates for private street neighborhoods, which made it an optional requirement rather than a mandatory requirement. The Board also passed changes to the Chesapeake Bay Ordinance, which would allow the County to be compliant with Phase 3 of the Bay Act Regulations. It was announced that the Boards and Commissions Annual Christmas/Holiday Gathering would be scheduled for December 5<sup>th</sup>, there would be more information provided to the Commission at a later date. The Board also referred Lot Width in A-1 zoning district to the Commission, which was an administrative problem staff recognized when the Cluster Ordinance was adopted. Mr. Harvey asked the Commission what meeting they would want to consider going paperless and no longer receive a Planning Commission package. Mr. Rhodes suggested November or December. Mr. Harvey stated Ms. Knighting provided the Commission with an iPad Instruction Booklet that would assist the Commission with their iPads.

#### **COUNTY ATTORNEY'S REPORT**

Ms. McClendon stated she had no report at the time.

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**COMMITTEE REPORTS**

9. **Proffer Guidelines**

Mr. Hirons stated the Committee was scheduling with the appointed members of the Board of Supervisors. The appointed members were asked for preferred dates and meeting times, but Mr. Hirons had not received any feedback. Mr. Harvey also stated he had not received any feedback.

Mr. Rhodes asked if there was a time limit. Mr. Harvey stated there was an extended time limit but are waiting for the joint committee to meet.

**CHAIRMAN'S REPORT**

Mr. Rhodes highlighted the upcoming Planning Commission meeting dates, which were September 19<sup>th</sup>, October 10<sup>th</sup> and 24<sup>th</sup>, November 14<sup>th</sup> and 28<sup>th</sup>, and December 12<sup>th</sup> and 26<sup>th</sup>. He stated he would not be present on December 26<sup>th</sup> and asked if there would need to make modifications or a motion to cancel the December 26, 2012 Planning Commission meeting. Ms. McClendon stated a motion would not be necessary, just a regular cancellation notice of the meeting.

**OTHER BUSINESS**

10. **TRC Information – Meeting September 12, 2012**

Mrs. Hornung stated there were 2 items scheduled for September 12<sup>th</sup> starting at 9 a.m. in the ABC Conference Room. The items included Stafford Hospital Center East Campus, which were 10 buildings located on the southwest corner of Courthouse Road and Hospital Center Boulevard, in the Aquia election district and at 10 a.m. in the ABC Conference Room was Westgate at Stafford Courthouse, which was a Preliminary Plan for 51 residential lots located on the eastside of Austin Ridge north of Courthouse Road and Garrisonville Road, in the Garrisonville district. The next TRC meeting would be October 10<sup>th</sup>.

**APPROVAL OF MINUTES**

None

**ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at 10:29 p.m.